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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TIMOTHY KINCADE	:	CIVIL ACTION
	:	NO:
v.	:	
JOHN M. PETRONGLO	:	<b>COMPLAINT &amp; JURY DEMAND</b>
and	:	
JACQUELINE E. ROSS-PETRONGLO	:	
and	:	
JOHN DOE and JANE DOE	:	
and ABC CORPORATION and	:	
XYZ CORPORATION	:	

**PARTIES**

1. Plaintiff, Timothy Kincade, is an adult individual and citizen and resident of the State of Florida residing at 3386 Mola Street, North Port, Florida 34287.
2. Defendant, John M. Petronglo, is an adult individual, citizen and resident of the State of New Jersey residing at 417 W. Spruce Street, North Wildwood, New Jersey 08260.
3. Defendant, Jacqueline E. Ross-Petronglo, is an adult individual, citizen and resident of the State of New Jersey residing at 417 W. Spruce Street, North Wildwood, New Jersey 08260.

## **JURISDICTION**

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1332(a)(1) in that “the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different States.”

5. Venue over this action is appropriate in this matter pursuant to 28 U.S.C. 1331(a)(2), in the District of New Jersey in that: - it is where a substantial part of the events or omissions given rise to the claim occurred.

## **FACTUAL ALLEGATIONS**

6. Plaintiff, Timothy Kincade, avers and incorporates by reference, the averments of paragraphs one (1) through five (5), inclusive, of this Civil Action as though the same were fully set forth herein.

7. At all times relevant and material to this Civil Action, Defendant, John M. Petronglo, acted or failed to act by and through his agents, servants, workmen and/or employees, who were then and there acting within the course and scope of their authority and in furtherance of Defendant, John M. Petronglo’s, business.

8. At all times relevant and material to this Civil Action, Defendant, Jacqueline E. Ross-Petronglo, acted or failed to act by and through her agents, servants, workmen and/or employees, who were then and there acting within the course and scope of their authority and in furtherance of Defendant, Jacqueline E. Ross-Petronglo’s, business.

9. At all times relevant and material to this Civil Action, Defendant, John M. Petronglo, acted or failed to act as the agent, servant, workman and/or employee of Defendant, Jacqueline E. Ross-Petronglo, and at all times, was then and there acting within the course and

scope of his employment with Defendant, Jacqueline E. Ross-Petronglo, and on behalf of Defendant, Jacqueline E. Ross-Petronglo's, business.

10. At all times relevant and material to this Civil Action, Defendant, Jacqueline E. Ross-Petronglo, owned, possessed, maintained, leased and/or controlled a 2007 Acura MDX, New Jersey license plate number GZL63B, vehicle identification number HNYD28377H531990; said vehicle being operated at the time and place of the subject accident by Defendant, Jon M. Petronglo.

11. On or about July 9, 2017, Plaintiff, Timothy Kincade, was the owner and operator of a 2006 Harley Davidson Flstn, Florida license plate number MBNM98, vehicle identification number 1HD1JDB1X6Y047947 at or near West Spruce Avenue and Maryland Avenue, North Wildwood, New Jersey.

12. At the aforesaid time and place, Defendant, John Petronglo negligently and carelessly struck Plaintiff, Timothy Kincade's, motorcycle causing Plaintiff to sustain severe and permanent injuries, serious impairment of his bodily functions and other non-economic and economic losses more fully set forth herein at length.

13. The injuries resulted solely from the negligence and carelessness of the Defendants herein, jointly, severally and/or individually, and was, in no manner whatsoever, due to any act or failure to act on the part of the Plaintiff, Timothy Kincade.

**COUNT I - NEGLIGENCE**  
**TIMOTHY KINCADE V. JOHN M. PETRONGLO**  
**AND JACQUELINE E. ROSS-PETRONGLO**

14. Plaintiff, Timothy Kincade, avers and incorporates by reference, the averments of paragraphs one (1) through thirteen (13), inclusive, of this Civil Action as though the same were fully set forth herein.

15. Solely as a result of the negligence and carelessness of Defendants, John M. Petronglo and Jacqueline E. Ross-Petronglo, individually and/or jointly, acting as aforesaid, Plaintiff, Timothy Kincade, was caused to sustain injuries to the bones, joints, muscles, tendons, blood vessels and soft tissues throughout his entire body, including, but not limited to, injuries to his head, neck, back, shoulders, arms, face and legs together with contusions and abrasions, a severe shock to his nerves and nervous system; all of which said injuries have in the past and will in the future cause Plaintiff, Timothy Kincade, great pain and suffering, a serious impairment of his bodily functions and all of which are or may be permanent in nature.

16. Plaintiff demands a jury trial on all triable claims.

**WHEREFORE**, Plaintiff, Timothy Kincade, demands judgment in his favor and against Defendants, John M. Petronglo and Jacqueline E. Ross-Petronglo, individually and/or jointly, in an amount in excess of Seventy Five Thousand Dollars (\$75,000.00), together with interest and costs of suit.

**LAW OFFICES OF JONATHAN J. SOBEL**

s.

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